

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DIAPOLIS SMITH,

Petitioner,

v.

Case No. 1:03-CV-87

MARY BERGHUIS,

HON. GORDON J. QUIST

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

In accordance with the Opinion entered this date,

IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation issued October 28, 2005 (docket no. 42) is **APPROVED AND ADOPTED** as the Opinion of this Court.

IT IS FURTHER ORDERED that Petitioner's petition for writ of habeas corpus is **DENIED**.

This case is **concluded**.

Dated: February 23, 2006

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE